

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**IN THE MATTER OF THE PETITION §
OF DAVID AND COLLEEN, INC. AS §
OWNER OF THE TOWING VESSEL §
DAVID AND COLLEEN AND TAIRA §
LYNN, INC. AS OWNER *PRO HAC* §
VICE FOR EXONERATION FROM §
OR LIMITATION OF LIABILITY §**

**Civil Action No. H-04-1176
Rule 9(h) Admiralty**

ORDER

Sea River Maritime, Inc. has filed a Motion To Lift Injunction, Compel Arbitration, and Stay Litigation of Certain Claims Pending Arbitration (Docket Entry No. 23). The Court believes that the arbitrator is the proper person to determine the scope of the arbitration clause. Therefore, the Motion is **GRANTED**. The Order restraining any other proceeding against Petitioners besides this action is lifted. Sea River Maritime and Taira Lynn, Inc. shall submit to binding arbitration as agreed to in Clause 27 of the Time Charter. Sea River's claim against Taira Lynn is stayed pending the outcome of the arbitration; however all other claims in this action will continue to proceed on this Court's docket. This Court will retain jurisdiction over Sea River's claim to the extent required to enforce an arbitration award.

IT IS SO ORDERED.

SIGNED this 25th day of July, 2005.

A handwritten signature in dark ink, appearing to read "Keith P. Ellison". The signature is fluid and cursive, with the first name "Keith" being more prominent.

KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES THIS
NOTICE SHALL FORWARD A COPY OF IT TO EVERY OTHER PARTY AND
AFFECTED NON-PARTY EVEN THOUGH THEY MAY HAVE BEEN SENT
ONE BY THE COURT.**